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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JESS R. SMITH,

11 Plaintiff,

12 v.

13 B GRONSETH, Y STUBBS, S
14 FRAKES, M OBENLAND, ROY
15 GONZALEZ, M HOLTHE,
WASHINGTON DEPARTMENT OF
CORRECTIONS,

16 Defendants.

CASE NO. 3:16-CV-05775-BHS-DWC

ORDER

17 The District Court has referred this action to United States Magistrate Judge David W.
18 Christel. On April 11, 2017, the Court stayed this case pending Plaintiff Jess R. Smith's
19 interlocutory appeal to the Ninth Circuit. Dkt. 47. The Court also struck the noting date for
20 Defendants' Motion for Summary Judgment and Plaintiff's Motion to Continue. *Id.* The parties
21 were directed to file a status report upon resolution of the appeal. *Id.*

22 On January 8, 2018, the parties filed a Joint Status Report notifying the Court the Ninth
23 Circuit denied Plaintiff's appeal. Dkt. 49. As the appeal has resolved, the Court lifts the stay in
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1 this case. The Clerk is directed to re-open the Motion for Summary Judgment (Dkt 30) and the
2 Motion to Continue (Dkt. 33).

3 In the Motion to Continue, Plaintiff requests an additional period of time to conduct
4 discovery prior to the Court ruling on the Motion for Summary Judgment. *See id.* The Court has
5 considered the Motion to Continue, and grants the Motion to Continue (Dkt. 33) as follows:

- 6 • Plaintiff's response to the Motion for Summary Judgment is due on or before
7 April 16, 2018; and
- 8 • Defendants' optional reply is due on or before April 20, 2018.

9 The Clerk directed to note the Motion for Summary Judgment for April 20, 2018.

10 Dated this 12th day of January, 2018.

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13 David W. Christel
14 United States Magistrate Judge
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